IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 27240 of 2006

DATED: 3.1.2007

Between:

The Personnel Officer,
O/o The Regional Manager,
APSRTC, Nellore & ors **petitioners**

And

Batchu Venkateswara Rao
D No 26-1-429, Bhaktavatchala Nagar,
NGO colony, Nellore & another **Respondents**

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO. 27240 OF 2006

ORAL ORDER:

The present writ petition is filed questioning the orders passed by the Labour Court, Guntur in I.A. No. 124 of 2006 in I.D. No. 210 of 2004 dated 26.9.2006.

The brief facts necessary for disposal of the writ petition are as under:

The first respondent herein (concerned workman) was issued with a charge sheet dated 15.10.2003 alleging unauthorized absence. The first respondent submitted his explanation, however, not satisfied with the same an enquiry was ordered. Based on the enquiry report, the first respondent was removed from service by order dated 5.6.2004. Questioning the removal order, first respondent raised an industrial dispute in I.D. No.210 of 2004. The Labour Court on consideration of the matter held that the punishment of removal of the petitioner from the service is not in proportion to the charges and allowed the petition setting aside the removal order and directing reinstatement into service with continuity of service and backwages last drawn from the date of filing the petition with all other attendant benefits.

After passing the award, the petitioner herein-APSRTC, filed an application under section 151 of C.P.C and Section 20 (3) of the

Industrial Disputes Act to reopen the matter and permit the petitioner to file counter in I.D. No. 210 of 2004. The Labour Court by docket order dated
26-9-2006 dismissed the said application. As against the said order, the present writ petition is filed.

Heard the learned standing counsel for petitioner corporation and perused the material available on records.

The first respondent was removed from service on the ground of unauthorized absence. Before the labour Court the petitioner corporation did not file any counter and the Law Officer of the petitioner corporation was also absent. The Labour Court based on the documentary evidence available on record allowed the petition recording its reasons. The Labour Court observed that there is no sufficient cause for removing the petitioner and at the most the wages for the period of absence may not be paid and the punishment of removal from service is not in proportion to the charges. If the petitioner corporation is aggrieved by the award of the Labour Court, the proper course is to challenge the same on merits before the appropriate forum. The petitioner corporation has not made out any ground warranting interference of this Court. The writ petition fails and accordingly it is dismissed. No costs.

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N.V.RAMANA,J

DATE: 3.1.2007
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